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13 *NRT Technologies, Inc.*

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 STEVAN DUQUETTE,

17 Case No. 2:24-cv-00182-GMN-MDC

18 Plaintiff,

19 **JOINT PROPOSED DISCOVERY**
20 **PLAN AND SCHEDULING ORDER**

21 vs.

22 NRT TECHNOLOGIES,

23 **SUBMITTED IN COMPLIANCE WITH**
24 **LR 26-1(b)**

25 Defendant.

26 Plaintiff, STEVAN DUQUETTE (“Plaintiff”), by and through his counsel of record, the
27 law firm Tully Rinckey PLLC, and Defendant NRT TECHNOLOGIES (“Defendant”), by and
28 through its counsel of record, the law firm Jackson Lewis, P.C., hereby submit this proposed joint
discovery plan and scheduling order.

29 **FRCP 26(f) Conference.** On May 22, 2024, Ernesto C. Gapasin, Esq., counsel for
30 Plaintiff, and Deverie J. Christensen, Esq., as counsel for Defendant, participated in a discovery
31 and scheduling conference (the “Conference”) to discuss all the issues required by Federal Rule
32 Civil Procedure 26(f). The parties’ initial disclosures will be made by **June 6, 2024**, fourteen (14)
33 days after the Conference. Currently, the parties do not believe that any changes are necessary as
34 to the timing, form, or requirement of disclosures under Rule 26(a). The parties propose the
35 following discovery plan:

1 1. **Discovery Cut-Off Date:** The proposed discovery deadline shall be **October 9, 2024**, 180 days from the date of Defendant's first appearance that occurred on April 12, 2024.

2 2. **Amending the Pleadings and Adding Parties:** All motions to amend the pleadings or to add parties shall be filed no later than **July 11, 2024**, ninety (90) days prior to the proposed close of discovery.

3 3. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning the parties initial experts shall be made by **August 9, 2024**, sixty (60) days before the proposed discovery cut-off date. Disclosures concerning rebuttal experts shall be made by **September 9, 2024**, thirty (30) days after the initial disclosure of experts.

4 4. **Dispositive Motions:** The date for filing dispositive motions shall not be later than **November 8, 2024**, thirty (30) days after the proposed discovery cut-off date. In the event the discovery period is extended from the discovery cut-off date set forth in this proposed discovery plan and scheduling order, the date for filing dispositive motions shall be extended to be not later than thirty (30) days after the subsequent discovery cut-off date.

5 5. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than **December 8, 2024**, thirty (30) days after the cut-off for filing dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after the decision on the dispositive motions or until further order of the Court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this discovery plan and scheduling order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

6 6. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections hereto, shall be included in the joint pretrial order.

7 7. **Alternative Dispute Resolution:** The parties certify that they met and conferred about the possibility of using alternative dispute resolution processes, including mediation and arbitration. The parties agree to explore all resolution options and participate in the upcoming early neutral evaluation ("ENE") in good faith.

8 8. **Alternative Forms of Case Disposition:** The parties certify that they have

1 discussed the possibility of trial by the magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ.
2 P. 73 and the use of the Short Trial Program (General Order 2013-01) and agree that this case is
3 properly suited before the District Court.

4 9. **Electronic Filing and Service:** The Parties attorneys of record in this matter are
5 registered users with the Court's electronic filing system and as such, consent to electronic service
6 of all documents and things electronically filed with the Court, except for pleadings and other
7 documents set forth in Fed. R. Civ. P. 4. For documents and things that are not filed with the Court,
8 the parties, in accordance with Fed. R. Civ. P. 5(b)(2)(F), each consent to electronic service of the
9 same as follows: for Plaintiff, service shall be made by email to egapasin@tullylegal.com;
10 stimmons@tullylegal.com; ccrossett@tullylegal.com for Defendants, service shall be made by
11 email to deverie.christensen@jacksonlewis.com and michael.burnette@jacksonlewis.com.

12 10. **Electronically Stored Information:** The parties have undertaken efforts to retain
13 any electronically stored information relevant to this matter and have agreed that, unless the
14 requesting party asks for a definite and specific form, the party producing any electronically stored
15 information need not provide such information in any certain form as long as the form provides the
16 other party(ies) reasonable access to the information. The parties have further agreed that, to the
17 extent any party seeks electronically stored information that would be cumulative, burdensome or
18 unduly costly to produce, counsel for the parties will confer in good faith in an effort to reach a
19 mutual agreement regarding the production of such information.

20 11. **Electronic Evidence at Trial:** The parties certify that they have discussed whether
21 they intend to present evidence in electronic format to jurors for the purposes of jury deliberations.
22 The parties stipulate to provide discovery in an electronic format compatible with the Court's
23 electronic jury evidence display system, to the extent practicable, and to the extent it is not
24 practicable, the parties shall meet and confer and otherwise work in good faith with respect to the
25 presentation of electronically stored information should any dispute arise.

26 12. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any
27 stipulation or motion for modification or extension of this discovery plan and scheduling order and
28 any deadline contained herein, must be made pursuant to LR 26-3 no later than twenty-one (21)

1 days before the subject deadline.

2 13. **Subjects of Discovery:** The parties agree that discovery may be taken on any
3 subjects permitted by the Federal Rules of Civil Procedure, including all aspects of Plaintiffs'
4 claims and Defendant's defenses in this matter. No changes should be made on the limitations of
5 discovery imposed under the Federal Rules of Civil Procedure or Local Rules.

6 14. **Discovery Phases:** The parties do not believe it is necessary to conduct discovery
7 in phases.

8 15. **Document Production:** All documents produced in this action will be delivered as
9 either hardcopy documents or Portable Document Format ("PDF") images unless the requesting
10 party specifically requests that any responsive electronic documents be produced in native format.

11 16. **Protective Orders For Confidential Documents And/Or Information:** The
12 parties have discussed the potential need for a protective order for confidential documents and/or
13 information, and will meet and confer on the terms of a stipulated protective order should one be
14 proposed.

15 Dated this 28th day of May, 2024.

16 TULLY RINCKEY PLLC

JACKSON LEWIS P.C.

17 _____
18 /s/*Ernesto C. Gapasin*
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22 *Attorney for Plaintiff*
23 *Stevan Duquette*

Attorneys for Defendant
NRT Technologies, Inc.

24 IT IS SO ORDERED.

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26 UNITED STATES MAGISTRATE

27 JUDGE DATED: 5-31-24